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SUBJECT: DEMARCHE REQUEST - OSCE HUMAN DIMENSION

¶1. (SBU) Summary and Action Request: The OSCE will be conducting its Human Dimension Implementation Meeting (HDIM) from September 24 through October 5 in Warsaw. The HDIM is an annual review of participating States, implementation of their OSCE commitments to human rights and fundamental freedoms. The USG takes this exercise seriously and offers specific criticism and praise for the human rights performance of many countries. As part of USG efforts to enhance our dialogue with those countries which we have criticized in the past, the Department requests that action addressees demarche their host governments on the upcoming HDIM and list (per the talking points below) areas where the USG plans to raise issues or would be prepared to recognize progress during the Warsaw meetings should the situation warrant. The USG delegation this year will be led by former Ambassador Richard Williamson and will again include several public members as well as staff members of Congress, Helsinki Commission (CSCE). End Summary and action request.

¶2. (SBU) The annual OSCE HDIM meeting is a useful stock taking of countries progress, or lack thereof, in implementing their commitments to respecting human rights and basic freedoms -- including democratic elections and freedom of the press ) undertaken in the context of several OSCE conventions, including most recently the 1992 Helsinki protocol. The USG delegation to Warsaw this year will be led by Ambassador Richard Williamson and include public members who will be able to speak to this year,s special topics: Roma/Sinti and gender aspects of security.

¶3. (SBU) As with past HDIM meetings, the USG delegation will be prepared to present a balanced assessment of OSCE participating state performance towards meeting their OSCE commitments. To enhance the USG dialogue with OSCE members on these issues, the Department requests that action addressees engage with host governments on USG goals for the upcoming Warsaw meeting. In particular, the Department would like to urge some of our OSCE partners to take specific steps in the weeks before the HDIM conference to show their commitment to working towards the OSCE standards. The USG delegation will be prepared to recognize positive steps that countries have taken, allowing us, where warranted, to balance criticism with praise.

¶4. (SBU) Action Request. The Department requests that Embassies at action posts deliver the both the general and country specific points that follow.

Begin General Talking Points:

- The USG is preparing carefully for the upcoming OSCE Human Dimensions meeting in Warsaw (September 24 ) October 5).
- We take this event very seriously, and believe it can provide a useful opportunity for all OSCE participating countries to assess progress towards the commitments undertaken as OSCE members to guarantee human rights, and fundamental freedoms.
- The USG hopes that your government will be well-represented at the conference.
- The USG delegation to the conference will be prepared to make a balanced assessment of how the USG views the progress towards these shared commitments that all of our OSCE partners, including your government, have made.
- We would like to share with you some of the issues we are likely to raise. Any information you would like to provide in advance of the meeting would be appreciated.
- We would like to be able to raise positive examples of progress, not only areas where implementation is lacking. We also would like to urge your country to take some specific actions in the weeks before the conference. We would be prepared to recognize these actions at the conference.

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(Insert country specific points).

16. (SBU) For Embassy Moscow:

Background: The USG is concerned that journalist Manana Azlamazyan is being singled out for harsh treatment because of her work at Educated Media Foundation (EMF), which at times has been critical of the government. We want to urge the Russian Government to end its harassment of EMF and Manana Azlamazyan immediately and deal with it and other organizations in a fair and transparent manner that encourages, rather than hinders, the development of civil society and free media in Russia.

Talking Points:

- The USG is very concerned by the closures of independent media outlets, which has the effect of limiting citizens, access to information and is inconsistent with Russia,s OSCE commitments.
- Your government has an obligation to create an environment that encourages the development of civil society and free media.
- A specific action you could take prior to the HDIM would be to allow (Internews became EMF) the Educated Media Foundation to reopen, and to allow its journalists, particularly Manana Azlamazyan, to work unhindered.
- We also plan to raise concern over limits on freedom of assembly that have taken place in the past year. We understand that Other Russia plans to resume its marches of Dissent in September. We urge the Russian government to allow for freedom of assembly and continue to ensure that these demonstrations are allowed to proceed freely and peacefully.

17. (SBU) For Embassy Baku:

Talking Points:

- We are concerned about the deteriorating conditions for free media in Azerbaijan and will raise this at the HDIM.

- We hope that you will publicly renew the 2005 moratorium on libel suits against journalists and media outlets by government officials and take steps to decriminalize libel.
- We urge your government to develop an alternative dispute resolution mechanism that could be used in place of criminal libel charges.
- A specific action you could take prior to the HDIM would be to release seven journalists from prison Eynulla Fatullayev, Sakit Zahidov, Rafiq Taghi, Samir Sadagatoglu, Faramaz Allahverdiyev, Rovshan Kabirli, and Yashar Aghazade.
- In addition, the upcoming 2008 presidential election presents an opportunity to strengthen Azerbaijan's democratic process through further electoral reform. We urge your government to publicly pledge now to fully adopt the recommendations made by OSCE/ODIHR and the Council of Europe's Venice Commission.
- Finally, civil society is an important of every country's democratic development. Any government initiatives in this vitally important area must strengthen, rather than hinder, the development of civil society. We urge your government to formally adopt the United States, Guiding Principles on NGOs, as urged by the Assistant Secretary for Democracy, Human Rights and Labor in December 2006 and March 2007.
- We understand the Presidential Administration recently met with EMC and we hope the issues relating to the registration of the organization can be resolved in before the HDIM sessions.
- Work with international legal experts such as the OSCE Trial Monitors and ABA to improve due process in the trial of Farhad Aliyev and 18 others.

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18. (SBU) Talking Points for Embassy Chisinau.

- We urge your government to implement the registration procedures in the new law on religions. Under the new procedures, the government must register religious organizations or justify a refusal within 15 days.

There were several religious organizations which were denied registration under the old procedures, without explanation. We urge you to register the True Orthodox Church, two Muslim organizations, and several Protestant denominations under the new procedures.

- We also urge that you prevent local police from interfering with religious observances in public places, which are now legal under the new law on religions (with only notification to authorities required).

19. (SBU) Talking points for Embassy Kyiv.

- The 30 September elections will take place during the HDIM and are therefore likely to be discussed. We hope that all sides will refrain from campaign activity that exacerbates regional, linguistic, or ethnic divisions. We would hope that these elections will continue to build on the recent successes that Ukraine has had.

110. (SBU) Talking points for Embassy Astana.

Your country wants to chair the OSCE. As we have said many times, the U.S. believes that the country holding the Chairmanship of the OSCE should exemplify the principles of the Organization, including developing democratic institutions and respecting human rights. We continue to have many concerns about respect for human rights in Kazakhstan and will be raising these at the HDIM.

Last month, Kazakhstan held important Parliament elections. Like ODIHR and the OSCE PA, we welcome indicators of progress such as inclusive candidate registration lists and extensive voter education, and the good cooperation extended to observers on election day.

However, we share the observer missions, serious concerns about the conduct of the elections, including a lack of transparency in the vote count; preferential treatment of the ruling Nur Otan party; and limitations on the right to seek public office including a high threshold for representation in the Mazhilis.

- Although your country did make some progress in recent structural changes to the government, we are concerned about the constitutional amendment giving President Nazarbayev the opportunity for unlimited terms; in contrast to other amendments that had considerable discussion, this was added at the last minute with no discussion.

- The August 2006 decree requiring all Kazakhstani website domains to be registered in Kazakhstan likewise has had the effect of making it more difficult for independent voices to make themselves heard. We urge its immediate rescission.

- We ask that your government facilitate an equitable resolution in the dispute between local authorities and the Hare Krishna commune near Almaty. On June 15, local officials destroyed 12 homes, adding to the 13 homes destroyed in November 2006. This gives the impression of persecution of a religious community.

- One concrete action you could take prior to the HDIM would be to allow the National Democratic and International Republican Institutes to resume non-partisan political party training in Kazakhstan.

(KZ Desk Note: U.S. Embassy and GOK signed an MOU on 8/17 that will allow political party training to re-start in Kazakhstan. The MOU has not yet been tested.)

11. (SBU) Points for Embassy Bishkek.

We applaud the parliament for passing and President Bakiyev for signing the law making KTR more independent. We urge the

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government to follow through and implement fully this transformation.

We continue to follow the development of the Kyrgyz electoral system. The USG urges implementation of OSCE/ODIHR recommendations, including its recommendations to:

- a) Clarify and standardize election administration procedures;
- b) Enhance Election Commission transparency at central, regional and local levels by making all decisions in open sessions.
- c) End harassment of journalists, activists, and political opposition. Investigate recent incidents of harassment, including those of Valentina Gritsenko, chair of Spravedlivost (&Justice8), and Edil Baisalov, formerly of the Coalition for Democracy and Civil Society.

One concrete action that could be accomplished prior to the HDIM would be for the President to sign into law the bill already passed by Parliament which decriminalizes libel and slander.

- We also continue to be concerned about the treatment of refugees in your country. We ask that your government do more to ensure the safety of all registered refugees and

fully investigate past disappearances, such as the five Uzbek asylum-seekers who went missing in July and August 2006.

12. (SBU) Talking points for Embassy Dushanbe.

We are concerned about continuing limitations on freedom of the media in Tajikistan. We hope that the GOT will establish a transparent licensing process and grant licenses to all qualified independent media outlets seeking a license.

There still is time prior to the HDIM for you to take the concrete step of licensing Internews, community radio partner stations.

Freedom of religion is an important OSCE commitment that will be discussed at the HDIM. The international community is concerned about the draft law on religion and religious association that is rumored to pass before the end of the year. Independent analysis of the draft law says that it will greatly restrict freedom of religion. We hope you will amend the draft law to international standards.

- Recent forcible mosque closures have angered many in the Muslim community. We encourage the government to register mosques and praying rooms so that everyone may have the freedom to worship.

Bans on religious attire are both contrary to OSCE commitments to religious tolerance and, by creating a feeling of religious persecution, ultimately counterproductive in creating tolerance.

The USG therefore urges that your government rescind the ban on wearing a Muslim headscarf inside educational institutions and reinstate any students expelled from schools for violating the ban.

In particular, Davlatmo Ismoilova, filed a lawsuit against her university and the education ministry saying the ban violated her constitutional right to religious freedom and was expelled. She should be reinstated in her school.

- The USG is concerned about the operating environment for non-governmental organizations. The government should not hinder NGO registration and should stop harassment of civil society organizations. A vibrant civil society signals a healthy investment climate and prosperous democracy.

We continue to be concerned about conditions in Tajik prisons. We urge you to allow International Committee of the Red Cross and Red Crescent (ICRC) to have access to all Tajik prisoners.

- We also hope that you will take steps to end torture,

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including holding abusers accountable, monitoring police custody situations, limiting opportunities for torture and abuse, enforcing habeas corpus, and allowing access for lawyers and doctors to detention facilities.

13. (SBU) Talking points for Embassy Ashgabat.

-- As you are aware, the U.S. has made a special statement on Turkmenistan at the HDIM under many other business for the past four years. We plan to do so again, but this year would like to be able to welcome changes and progress made by the new government. There is still time for your government to take several concrete actions that could be recognized publicly in Warsaw.

- We are encouraged by President Berdimuhammedov's announcement on August 24 that an interagency Human Rights Commission is being established to coordinate work designed to bring Turkmenistan into compliance with its international human rights commitments, and we look forward to concrete

work by this Commission.

- We note your government's recent decision to pardon 11 high-profile prisoners. We urge that your government continue to review and to release all political and religious prisoners including among many others:

- a) Mukhametkuli Aimuradov (political dissident, imprisoned since 1995)
- b) Tashli Esenov, group leader of the "Turkmengala" farmers' group collective
- c) Vyacheslav Kalataesky (unregistered Baptist)
- d) Geldy Kyarizov (former Chairman of the Turkmen State Horse-breeding Enterprise, whom we understand is very ill)

-- And individuals associated with the 2002 motorcade attack, such as:

- e) Orazmammet Yklymov;
- f) Akmyrat Kaqbulov;
- g) Saparmyrat Seyidov;
- h) Konstantin Shymuradov; and
- i) Ejegul Tashlieva.

- We ask that you allow the ICRC and/or other independent observers access to prisons, including access to those imprisoned in connection with the November 2002 attack on former President Niyazov's motorcade.

- One specific action you could take before the HDIM begins and that we could recognize there would be to allow access to Turkmenistan's former Ambassador to the OSCE, Batyr Berdiev. There have been persistent and concerning rumors that he has died in prison. Simply allowing access to this former OSCE colleague would be a clear indicator of your government's willingness to meet its international human rights obligations. If the rumors are true, it would be better to make that information public sooner rather than later.

- We recognize that free travel both into and out of the country for Turkmen nationals, including dissidents and their families, has increased. We urge you to continue the process of revising Turkmenistan's travel restrictions in order to bring Turkmenistan's Law on Migration up to international standards.

- Fundamental freedoms that will be discussed in Warsaw include freedom of association. Turkmenistan does not have a good record on allowing NGOs these freedoms. We urge you to allow registration of local, independent NGOs and allow them to operate freely.

- You recently received a delegation from our Commission on International Religious Freedom and we appreciate the dialogue that has been opened on this issue.

- We urge you also to repeal the administrative penalties for unregistered religious groups and allow unregistered religious groups to worship freely consistent with their rights under Article 11 of Turkmenistan's constitution, as well as to pass and implement new legislation to provide alternatives to military service for conscientious objectors.

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#### 14. (SBU) Talking points for Embassy Tashkent.

We continue to be concerned that the events in Andijon ) which have been discussed at length in the OSCE and the HDIM ) have not been resolved. We urge that your government allow an open and unhindered international investigation of the events of Andijon in May 2005 perhaps through the OSCE; (note: The GOU did allow a group of EU experts to come, but did not provide them with full disclosure),

-- Many people fled Uzbekistan in the wake of the Andijon



events. Your government should end pressure on other countries forcibly to return Uzbek refugees and stop pressuring the refugees themselves to return. We urge you to ensure that refugees who have returned are not arrested or harassed, and that there is access to them to ensure their well-being;

Freedom of association is a fundamental freedom that will be discussed in Warsaw. We remain concerned that there are significant restrictions on civil society in Uzbekistan, including on international NGOs. We urge you to allow Human Rights Watch, Freedom House, NDI, IRI and other international NGOs to return and operate freely without harassment of their employees;

- We are concerned about the treatment of persons in detention and in prison. We urge you to take immediate steps to eliminate torture and abuse in accordance with international standards and OSCE commitments, including holding abusers accountable, monitoring police custody situations, limiting opportunities for torture and abuse, enforcing habeas corpus, and allowing access for lawyers and doctors to detention facilities.

- We also urge you to grant the International Committee of the Red Cross and Red Crescent and other outside monitors free and unrestricted access to prisons and detention centers;

-Your government should also end harassment, physical attacks and arbitrary arrests by the security forces of individuals critical of the government, including independent journalists and human rights activists.

- In the remaining time before the HDIM, we urge you to release several people we believe are in prison for political or religious reasons.

#### Possible List of Prisoners to Release

- a) Dmitry Shestakov (Protestant Minister, sentenced March 9 to four years labor camp)
- b) Irfan Hamidov and Dilafruz Arziyeva (Jehovah's Witnesses, convicted May 14 and June 6, respectively)
- c) Jamshid Karimov (journalist and President Karimov's nephew, in Samarkand psychiatric institution since September 2006)
- d) Mutabar Tojibaeva (human rights activist in psychiatric institution, solitary confinement for seven months; kidney illness)

#### ¶15. (SBU) Talking points for Embassy Minsk.

- We urge you to release all political prisoners immediately, including Aleksandr Kozulin. This would send a strong signal of your desire to improve relations with the West.

#### ¶16. (SBU) Talking points for Embassy Yerevan.

- We are alarmed by the imprisonment of increasing numbers of conscientious objectors to military service. We urge Armenia to release the jailed individuals and create a truly civilian alternative military service program outside of military oversight.

- The upcoming 2008 presidential election presents an opportunity to strengthen Armenia's democratic process through further electoral reform. We urge your government to publicly pledge now to fully adopt the recommendations made by OSCE/ODIHR and the Council of Europe's Venice Commission.

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- We urge a fair, transparent, and prompt trial for former Foreign Minister Arzumanyan or release him on bail.

- We also ask that you aggressively investigate incidents of

politically motivated crime and violence, particularly those which occurred during this year's parliamentary elections campaign season.

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